

REMARKS

Applicant herein submits a supplemental response to the Advisory Action dated 04/08/2008, a Request for Continued Examination, and a Petition to Revive this Application for Unintentional Abandonment. Applicant respectfully requests the Examiner to grant the Petition to Revive, enter the RCE, and enter the after-final amendments.

Claims 5 and 10-14 are pending.

Notwithstanding any claim amendments of the present Amendment or those Amendments that may be made later during prosecution, Applicant's intent is to encompass equivalents of all claim elements. Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 5 and 10-14 were rejected in the Nov. 21, 1007 Final Office Action under 35 USC § 1029(e) as anticipated by U.S. Pat. Pub. No. 2002/0004774 to Kossovsky (Doc. "K2"). Applicant traversed in that the publication date of doc. K2 is after Applicant's priority date, and therefore K1 is not prior art. The Examiner maintained the rejection on two bases: first that the new "automatically" feature added to claim 10 would require a further search, and second that the Provisional Kossovsky App. Ser. No. 60/124,847 (Doc. "K1") filed March 17, 1999 discloses all the limitations in the rejected claims. Applicant respectfully traverses the Examiners rejection on two grounds.

First, Applicant was first made aware of document K2 in the attachment to the Examiner's Advisory Action, and Applicant had no chance to respond to doc. K2. This is prejudicial and unfair to Applicant's application in that a new piece of prior art is disclosed for the first time in an Advisory Action. Applicant should be allowed at least a response in a non-final action to doc. K1 since that document is the basis for the Examiner to maintain the claim rejections under 102. This could be accomplished through Applicant's petition for an RCE submitted herewith.

Second, document K2 fails to teach or suggest the step of "permitting the network user to select one or more of the terms of said interest," as claimed in the current amendment. K2's disclosure, which Applicant submits is also non-enabling, describes "six integrated functions of the invention" on page 4. The first is a database, second is a sales mechanism for bidding a price for intellectual property, the third is to "help the seller price" the IP, fourth is insurance, fifth is document management and escrow, and sixth is tracking funds paid for IP. None of these functions describes or suggests providing a bidder anything other than an option for bidding a price. No permissions for the type of ownership terms is provided or suggested in the K1 disclosure, as is currently claimed in the present Application. Thus, doc. K1 fails to teach or suggest the claimed Application.

CONCLUSION

For the reasons stated above, applicant respectfully submits that the present claims are in condition for allowance. The Examiner is invited to telephone Applicant's attorney, Ken Sheets, at (703) 236-2994 to facilitate prosecution of this application.

AMENDMENT AND RESPONSE

Serial Number: 09/346,063

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Title: Web-Based Infomediary for Intellectual Property Transfer

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If necessary, please charge any additional fees or credit overpayment to Deposit
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Respectfully submitted,

SIEFFERT, KENT J.

By his representative,

Customer No. 70859

Date 1/28/2009

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28th day of January 2009.

KENDAL M. SHEETS

/Kendal M. Sheets/

Name

Signature